

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF OPTOMETRISTS

IN THE MATTER OF THE SUSPENSION :
OR REVOCATION OF THE LICENSE OF :

Administrative Action

STEVEN ZOLL, O.D. :
License No 04566 :

FINAL ORDER :
OF DISCIPLINE :

TO PRACTICE OPTOMETRY :
IN THE STATE OF NEW JERSEY :

This matter was opened to the New Jersey State Board of Optometrists upon receipt of information which the Board has reviewed and on which the following findings of fact and conclusions of law are made.

FINDINGS OF FACT

1. Respondent is an optometrist in the State of New Jersey and has been a licensee at all times relevant hereto.

2. On the 29th day of June, 2001, the Board of Optometrists initiated a random audit of renewal applications for the 1999- 2001 period, asking licensee to submit proof with regard to the satisfaction of continuing education requirements for the biennial renewal period, i.e. sixty (60) credit approval hours, for licensees certified to employ therapeutic pharmaceutical agents ("TPA").

3. Respondent failed to submit any proofs that he obtained the sixty (60) continuing education credits as required by N.J.S.A. 45:12-9.3 and N.J.A.C. 13:38-4.5.

CONCLUSIONS OF LAW

1. Respondent has satisfied the requirements of N.J.S.A. 45:12-9.3 with regard to completion of the appropriate number of approved continuing education credit hours within the statutory time frame.

2. Respondent is subject to sanctions pursuant to N.J.S.A. 45:1-21(h), failure to comply with the provision of an act or regulation administered by the Board, which constitutes grounds for suspension or revocation of any certificate, registration or license, and grounds for sanction pursuant to N.J.S.A. 45:1-25.

Based on the foregoing findings and conclusions, a Provisional Order of Discipline suspending respondent's license to practice Optometry in the State of New Jersey was entered on November 22, 1999 and a copy served on respondent. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor. The respondent submitted a written response for Board consideration dated October 17, 2001. The submission explained that respondent had successfully completed the required amount of continuing education courses before April 30, 2001 but failed to submit the proofs to the Board by the required date because of various family emergencies that diverted his attention.

Based upon the reviewed submissions, the Board determined that the respondent satisfied the sixty (60) credits which were short as explained in the Findings of Fact and Conclusions of Law set forth in the Provisional Order dated October 10, 2001. Thus the Board determined that the respondents's license would not be suspended or revoked. The Board recognized that

respondent failed to provide the information to the Board's audit on a timely basis and did not respond until the issuance of a provisional order of discipline although ample opportunity to respond to the Board's request was afforded the respondent.

Respondent's submissions were reviewed by the Board, and the Board determined that further proceedings were not necessary and that no material discrepancies had been raised. The Board was persuaded that the submitted materials satisfied the outstanding credits as received in the Findings of Fact or Conclusions of Law. The Board recognized that medical conditions suffered by the respondent's various family members may have distracted the respondent from complying with the audited information. However, the respondent's repeated failure to respond to the Board's follow up correspondence and telephone calls, thus requiring the issuance of a provisional order of discipline before a response was received constitutes the failure to cooperate as required by N.J.A.C. 13:45C-1.2. Based on the mitigating circumstances related in respondent's correspondence, ~~the Board has agreed to reduce~~ the penalty from two thousand five hundred dollars (\$2500) to one thousand dollars (\$1000).

ACCORDINGLY, IT IS on this 14th day of November 2001,

ORDERED that:

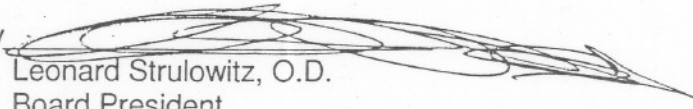
1. Respondent's submissions are accepted by the Board as proof of satisfaction of the sixty (60) credits required in continuing education for the 1999-2001 biennial registration. The credits submitted as a result of the Provisional Order are **NOT** to be used to renew respondent's license for the 2001- 2003 renewal period. Thus, the Board will not suspend or revoke the license of the respondent.

2. Respondent shall pay a civil penalty of one thousand hundred dollars (\$1000.00) pursuant to N.J.S.A. 45:1-25 , for violation of N.J.A.C. 13:45C-1.2 and N.J.S.A. 45:1-21(h) by means of a check or money order, payable to the New Jersey Board of Optometrists. Such

payment is to be sent to the Board at 124 Halsey Street, Sixth Floor, Newark, New Jersey 07101,
no later than 30 days from the date of receipt of this order.

NEW JERSEY STATE BOARD OF OPTOMETRISTS

By


Leonard Strulowitz, O.D.
Board President